88R3859 MCF-D

By:  Harless H.B. No. 1975

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalties for certain repeat sex offenders and to the admissibility of evidence of certain extraneous offenses or acts in the prosecution of certain sexual and assaultive offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 12.42(c), Penal Code, is amended by adding Subdivision (2-a) and amending Subdivision (4) to read as follows:

(2-a)  A defendant shall be punished by imprisonment in the Texas Department of Criminal Justice for life if the defendant is convicted in the same trial of more than one offense under Section 22.011 or 22.021 or of more than one count of the same offense under either of those sections.

(4)  Notwithstanding Subdivision (1) or (2), and except as provided by Subdivision (3) for the trial of an offense under Section 22.021 as described by that subdivision, a defendant shall be punished by imprisonment in the Texas Department of Criminal Justice for life without parole if it is shown on the trial of the applicable offense that:

(A)  for an offense under Section 20A.03 or [~~of~~] a sexually violent offense[~~,~~] committed by the defendant on or after the defendant's 18th birthday, [~~that~~] the defendant has previously been finally convicted of:

(i) [~~(A)~~]  an offense under Section 20A.03 or [~~of~~] a sexually violent offense; or

(ii) [~~(B)~~]  an offense that was committed under the laws of another state and that contains elements that are substantially similar to the elements of an offense under Section 20A.03 or [~~of~~] a sexually violent offense; or

(B)  for an offense under Section 22.011 or 22.021:

(i)  the defendant has previously been finally convicted of two offenses under Section 22.011 or 22.021; and

(ii)  the second previous conviction is for an offense that occurred subsequent to the first previous conviction having become final.

SECTION 2.  Section 1, Article 38.37, Code of Criminal Procedure, is amended to read as follows:

Sec. 1.  (a) Subsection (b) applies to a proceeding in the prosecution of a defendant for an offense, or an attempt or conspiracy to commit an offense, under the following provisions of the Penal Code:

(1)  if committed against a person of any [~~child under 17 years of~~] age:

(A)  Chapter 21 (Sexual Offenses);

(B)  Chapter 22 (Assaultive Offenses); or

(C)  Section 25.02 (Prohibited Sexual Conduct); or

(2)  if committed against a person younger than 18 years of age:

(A)  Section 43.25 (Sexual Performance by a Child);

(B)  Section 20A.02(a)(7) or (8); or

(C)  Section 43.05(a)(2) (Compelling Prostitution).

(b)  Notwithstanding Rules 404 and 405, Texas Rules of Evidence, evidence of other crimes, wrongs, or acts committed by the defendant against the [~~child who is the~~] victim of the alleged offense shall be admitted for its bearing on relevant matters, including:

(1)  the state of mind of the defendant and the victim [~~child~~]; and

(2)  the previous and subsequent relationship between the defendant and the victim [~~child~~].

SECTION 3.  (a) Section 12.42, Penal Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b)  Section 1, Article 38.37, Code of Criminal Procedure, as amended by this Act, applies to the admissibility of evidence in a criminal proceeding that commences on or after the effective date of this Act. The admissibility of evidence in a criminal proceeding that commences before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2023.